

JOHN M. FRIEND

JUL 25 2008

## IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

SHIRLEY PETERS, Special Administrator ) Case No. 1085-814  
 of the Estate of )  
 JIMMY PETERS, Deceased )  
 )  
 Plaintiff, )  
 )  
 vs. ) COMPLAINT  
 )  
 COVENANT CARE MIDWEST, INC. )  
 d/b/a NEBRASKA SKILLED NURSING )  
 AND REHABILITATION )  
 )  
 Defendant. )

*Amelia D. J. Randall*

COMES NOW the Plaintiff, Shirley Peters, the Special Administrator of the Estate of Jimmy Peters, hereinafter referred to as "the Plaintiff", and for her causes of action against the Defendant, states and alleges as follows:

## I.

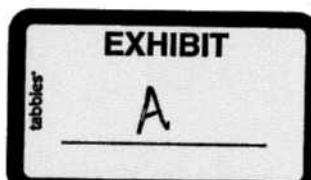
On June 27, 2008, after proceedings duly had and taken in the County Court of Burt County, Nebraska, the Plaintiff Shirley Peters was duly appointed by Order of that Court, Special Administrator of the Estate of Jimmy Peters, deceased, and the Plaintiff thereafter qualified, thereupon became, ever since having been and is now the duly appointed, qualified and acting Special Administrator of the Estate of Jimmy Peters.

## II.

Jimmy Peters left surviving as heirs at law his spouse Shirley Peters and two children, Pamela O'Mara and Brent Peters. This action is brought by the Plaintiff, as Special Administrator, for the exclusive benefit of such heirs at law.

## III.

At all relevant times herein, the Defendant, Covenant Care Midwest, Inc., d/b/a Nebraska Skilled Nursing & Rehabilitation, (hereinafter referred to as "Defendant Covenant"), was incorporated under and pursuant to the laws of the State of California, operating senior living facilities, including Nebraska Skilled Nursing and Rehabilitation, in Omaha, Douglas



COPY

County, Nebraska, and employed administrators, nurses, dieticians, assistants and other agents or apparent agents to provide skilled nursing home services.

IV.

On February 29, 2008, Jimmy Peters, now deceased, was admitted to the Defendants' Nebraska Skilled Nursing and Rehabilitation care facility in order to receive the required care and treatment that could not be adequately provided in his prior living arrangement. While at the nursing home, he was assessed for risk factors and administered a regimen of medications and therapy to address his needs.

V.

Following his admission to the Defendants' care facility on February 29, 2008, the Defendants undertook his care, and owed him a duty to reasonably and prudently observe, assess, record, advise and monitor his medical condition, and provide him with proper care.

VI.

All of Defendant Covenant Care Midwest and all of Defendant Nebraska Skilled Nursing and Rehabilitation's employees who provided and/or were responsible for Jimmy's care while in the Defendants' nursing home were acting within the course and scope of their employment and were acting as agents or apparent agents of Defendant.

VII.

The Defendant by and through their employees, failed to exercise reasonable and ordinary care, skill and diligence, and departed from the generally accepted and recognized standard of care for the community in the care, assistance and treatment of Jimmy Peters, and were therefore negligent in performing their duties in one or more of the following particulars:

1. Failed to assist Plaintiff with activities of daily living;
2. Failed to provide Plaintiff services as ordered by a medical practitioner;
3. Failed to provide Plaintiff a clean, safe and/or sanitary environment;
4. Failed to assist Plaintiff with bowel and/or bladder program;
5. Failed to practice proper wound care and wound prevention;
6. Failed to properly document Plaintiff's change in physical condition;

7. Failed to notify Plaintiff's physician of Plaintiff's change of condition; and
8. Failed to ensure the Plaintiff was treated with dignity.

VIII.

At all times herein Jimmy Peters relied upon and was dependent upon Defendants and their employees to provide for his proper care and safety.

IX.

The actions of the Defendants as set forth in paragraphs VIII and/or IX above were the direct and proximate cause of the wrongful death of Jimmy Peters.

X.

As a direct and proximate result of joint and several negligence of the Defendant and its employees, and the resulting wrongful death of Jimmy Peters, the immediate surviving next of kin have been deprived of the comfort of his society and companionship, as well as other pleasures and rights having a pecuniary value, which attend to immediate family relationships.

WHEREFORE, Plaintiff prays for judgment on this Cause of Action for the wrongful death of decedent against the Defendant for such damages as are reasonable, with interest thereon, together with the costs and such other relief as may be allowed by the laws of the State of Nebraska.

SHIRLEY PETERS, Special Administrator  
of the Estate of JIMMY PETERS, Deceased

By:

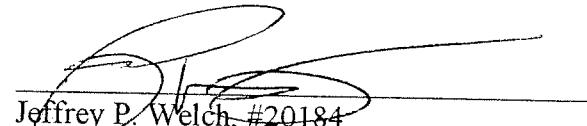
Jeffrey P. Welch, #20184  
JOHNSON WELCH P.C.  
3628 North 163<sup>rd</sup> Plaza  
Omaha, NE 68116  
(402) 934-7878 – telephone  
(402) 934-4737 – facsimile  
law@johnsonwelch.com

**DEMAND FOR JURY TRIAL**

Plaintiff hereby requests that the above and foregoing cause of action be set for trial by a jury.

SHIRLEY PETERS, Special Administrator  
of the Estate of JIMMY PETERS, Deceased

By:

  
Jeffrey P. Welch, #20184  
JOHNSON WELCH P.C.  
3628 North 163<sup>rd</sup> Plaza  
Omaha, NE 68116  
(402) 934-7878 – telephone  
(402) 934-4737 – facsimile  
law@johnsonwelch.com

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

SHIRLEY PETERS, Special Administrator ) Case No. \_\_\_\_\_  
of the Estate of )  
JIMMY PETERS, Deceased )  
Plaintiff, )  
vs. ) PRAECIPE  
COVENANT CARE MIDWEST, INC. )  
d/b/a NEBRASKA SKILLED NURSING )  
AND REHABILITATION )  
Defendant. )

TO THE CLERK OF SAID COURT:

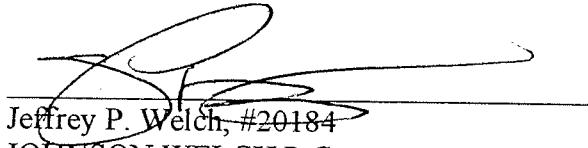
Please issue summons for certified mail to the following Defendants:

Nebraska Skilled Nursing & Rehab, c/o Harmony Widman 7410 Mercy Road, Omaha,  
NE 68124,

Covenant Care Midwest, Inc., c/o Registered Agent, CT Corporation, Suite 500, 301 S.  
13<sup>th</sup> Street, Lincoln, NE 68508.

SHIRLEY PETERS, Special Administrator  
of the Estate of JIMMY PETERS, Deceased

By:

  
Jeffrey P. Welch, #20184  
JOHNSON WELCH P.C.  
3628 North 163<sup>rd</sup> Plaza  
Omaha, NE 68116  
(402) 934-7878 – telephone  
(402) 934-4737 – facsimile  
law@johnsonwelch.com